

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TONY RAY KING, )  
 )  
Petitioner, )  
 )  
v. ) No. 4:18-CV-1968-SPM  
 )  
STANLEY PAYNE, )  
 )  
Respondent. )

**MEMORANDUM AND ORDER OF TRANSFER**

This matter is before the Court on petitioner Tony Ray King's petition for a writ of habeas corpus under 28 U.S.C. § 2254.

**The Petition**

Petitioner, a Missouri state prisoner incarcerated at the Eastern Reception, Diagnostic and Correctional Center ("ERDCC"), seeks a writ of habeas corpus under § 2254 for a conviction that arose in Buchanan County, Missouri. The ERDCC is located in Bonne Terre, Missouri, which is in St. Francois County in the Eastern District of Missouri. *See* 28 U.S.C. § 105(a)(1). Buchanan County is located in the Western District of Missouri. *See* 28 U.S.C. 105(b)(3).

**Discussion**

Under 28 U.S.C. § 2241(d), the Eastern District of Missouri and the Western District of Missouri have concurrent jurisdiction to entertain the petition. Where two district courts have concurrent jurisdiction over a petition for a writ of habeas corpus, the district in which the petition is originally filed may, in the exercise of its discretion and in furtherance of justice, transfer the petition to the other district court for hearing and determination. *See* 28 U.S.C. § 2241(d). Furthermore, on January 27, 1986, this Court entered an order stating that, absent

unusual circumstances, any habeas corpus petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri shall be transferred to that district pursuant to 28 U.S.C. § 2241(d). *See In re Business of the Court*, January 27, 1986.

Although petitioner has requested that his petition be decided in the Eastern District of Missouri, he has not cited to any circumstances that would make this assignment in furtherance of justice. (Am. Pet. at 4-5). Although petitioner and his counsel are located in this District, petitioner's conviction arose in the Western District of Missouri. The Court believes that the interest of justice would be better served if the petition were transferred to the United States District Court for the Western District of Missouri.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a).

Dated this 29th day of November, 2018.

  
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RODNY W. SIPPEL  
UNITED STATES DISTRICT JUDGE